

BARRINGTON ORDINANCE FOR WORKFORCE HOUSING

I. PURPOSE

The purpose of this Article is to encourage and provide reasonable and realistic opportunities for the development of workforce housing within Barrington. This Article addresses the objective related to regional cooperative efforts that promote the construction of housing for low income and elderly families and individuals as set forth in the Barrington Strategic Master Plan. Additionally, in implementing this Article Barrington has considered the region's affordable housing need as defined in the Strafford Regional Planning Commission 2004 Housing Needs Assessment, as may be amended.

II. AUTHORITY

This Article is adopted under the authority of RSA 674: 59 and is intended as a "Workforce Housing" provision and RSA 674:21.

III. APPLICABILITY

- A. Development is permitted as a conditional use within the following zoning districts as defined in this Zoning Ordinance:
1. Neighborhood Residential
 2. Village Residential
 3. General Residential from boundary line with City of Rochester south to Neighborhood Residential district and between the Route 125 and Route 202 Regional Commercial Districts
 4. General Residential --- if needed - additional area to meet more than 50% of land zoned for residential use
 5. The Strategic Master Plan indicates multifamily along Route 4 as well as highway commercial. Do you want to include this area, or separate out the multifamily into another district?
 6. What about lots of record, conversions? How do they fit in this?
- B. Permitted Uses: Single-family, duplex, and multi-family is permitted within an application under this Article irrespective of the permitted uses of the underlying zoning requirements in the areas identified in Section III-A above.
- C. Any person applying under this Article must provide a written statement of intent to the Planning Board evoking the provisions of RSA 674: 60 I. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. Additionally, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development or otherwise permits the proposed workforce housing development to proceed despite its nonconformance with Barrington's ordinances or regulations.
- D. Any person receiving an approval subject to conditions or restrictions under this Article shall receive written notification of such conditions and restrictions and shall have an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The notice constitutes a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1), and shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.

Town of Barrington
Planning Board Consideration of
RSA 674:59 – Workforce Housing

Draft One 11/20/08 gjc

- E. Upon receiving written notice of conditions and restrictions under Paragraph D, the applicant may submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed, which shall not be less than 30 days.
1. Upon receipt of such evidence from the applicant, the applicant shall be allowed to review the evidence at the next meeting for which 10 days notice can be given and shall be provided with written notice of the meeting at least 10 days in advance. At such meeting evidence from other sources may be received and considered.
 2. After such meeting, any or all conditions or restrictions may be affirmed, altered, or rescinded.
 3. Subject to subparagraph (4) a final decision on the application shall not be issued prior to such meeting, unless the applicant fails to submit the required evidence within the period designated by written notice, in which case a final decision may be issued at any time after the expiration of the period in Paragraph E.
 4. If an applicant provides written notification at any time that the applicant accepts the conditions and restrictions of approval, a final decision may be issued at any time without further action under Paragraph E.

IV. DEFINITIONS

Affordable: housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.

Income: As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.

Market Rate Housing: Any unit within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

Multi-family housing: for the purpose of workforce housing developments, it is a structure or building containing 5 or more dwelling units, each designed for occupancy by an individual household.

Owner-occupied Housing: Any dwelling unit intended to be conveyed in fee simple, condominium or equity-sharing arrangement such as a community housing land trust and limited equity cooperatives.

Permanent affordability or longterm affordability: think about Exeter model: renewing 30 years that transfers with home ownership changes, unless one owner lives in home for 30 years, then lien/covenant expires.

Reasonable and realistic opportunities for the development of workforce housing: opportunities to develop economically viable workforce housing within the framework of Barrington's ordinances and regulations adopted pursuant to and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of workforce housing shall be considered in determining whether opportunities for the development of workforce housing are reasonable and realistic. If the ordinances and regulations of Barrington make feasible the development of sufficient workforce housing to satisfy Barrington's obligation under RSA 674:59, and such development is not unduly inhibited by natural features, Barrington shall not be in violation of its obligation under RSA 674:59 by virtue of economic conditions beyond the control of the municipality that affect the economic viability of workforce housing development.

Workforce housing: housing developments for the purposes of this Article that exclude minor children from more than 20 percent of the units or in which more than 50 percent of the dwelling units have fewer than two bedrooms shall not constitute workforce housing for the purposes of this Article.

Workforce housing for rental: housing which is intended to be leased and is affordable to a household with an income of no more than 60 percent of the median income for a 3 person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

Workforce housing for sale: housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4 person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

V. WORKFORCE HOUSING INCENTIVES

- A. A site plan or subdivision plan which guarantees 20 percent of the total number of units proposed with the development (including all units allowed by density bonuses), reserved as permanent affordable housing units, may be approved with a 15% increase in the density of the site and a reduction of the minimum site frontage. The planning board may allow a reduction of the minimum lot size to accommodate the increased site density.
- B. What about lots of record, conversions, rehabs, renovations, accessory dwelling units? Role of building inspector....
- C. Incentives are not cumulative and no project shall receive more than a 15% overall density bonus for affordability.

VI. GENERAL REQUIREMENTS OF WORKFORCE HOUSING UNITS

- A. The affordable units shall be constructed in a manner that is harmonious in appearance with the market rate dwelling units in the proposed development or adjacent neighborhoods and natural surroundings.
- B. The affordable units should be interspersed throughout the overall development or existing residential districts.
- C. The application shall comply with all site plan and/or subdivision regulations that apply, other than those waived hereunder.
- D. Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units, except that the certificates of occupancy for the last 10 percent of the market rate units shall be withheld until certificates of occupancy have been issued for all the affordable housing units. A schedule for phasing of the total number of units in a project under this Article, along with a schedule setting forth the phasing of the required workforce housing units shall be established prior to the issuance of a building permit for any development subject to the provisions of this Article.

VII. ASSURANCE OF CONTINUED AFFORDABILITY

In order to qualify as affordable housing under this Article, the developer must make a binding commitment that the affordable housing units will remain affordable for a period of 30 years renewable upon sale or transfer. This shall be enforced through a deed restriction; restrictive covenant; or a contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency. For the 30-year term, the deed restriction, restrictive covenant, or contractual arrangement established to meet this criterion must make the following continued affordability commitments:

Town of Barrington
Planning Board Consideration of
RSA 674:59 - Workforce Housing

Draft One 11/20/08 gjc

- A. Affordable units shall be sold with deed restrictions and a recorded housing agreement that limit, for a period of 30 years renewable upon sale or transfer, the resale value of the unit to not more than the purchase price plus two times the accumulated consumer price index. (specify which CPI, location,)
- B. Affordable housing rental units shall limit annual rent increases to the percentage increase in the area median income, except to the extent that further increases are made necessary by hardship or other unusual conditions.
- C. Deed restrictions, restrictive covenants, or contractual arrangements related to dwelling units established under this Article must be documented on all plans filed with the Barrington planning board and the Strafford County Registry of Deeds.

VIII. ADMINISTRATION, COMPLIANCE AND MONITORING

- A. No certificate of occupancy shall be issued for an affordable housing unit without written certification of income eligibility of the tenant or buyer of the affordable housing unit and written confirmation of the rent or price of the affordable housing unit as documented by an executed lease or purchase and sale agreement.
- C. On-going responsibility for monitoring the compliance with resale and rental restrictions on affordable units shall be the responsibility of the Town's agent or designee.
- D. The owner of a project containing affordable units for rent shall prepare an annual report, due on December 1st, certifying that the gross rents of affordable units and the household income of tenants of affordable units have been maintained in accordance this Article. Such reports shall be submitted to the Town's agent or designee and shall list the contract rent and occupant household incomes of all affordable housing units for the calendar year.